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Attorneys for Defendants
HELLER EHRMAN, LLP;
HELLER EHRMAN LONG TERM
DISABILITY PLAN; and
UNUM LIFE INSURANCE COMPANY
OF AMERICA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA FORTLAGE,

Plaintiffs,

vs.

HELLER EHRMAN LLP; HELLER
EHRMAN LONG TERM DISABILITY
PLAN; and UNUM LIFE INSURANCE CO.
OF AMERICA,

Defendants.

CASE NO.: C 08-03406 VRW

**STIPULATION AND PROPOSED ORDER
OF DISMISSAL OF HELLER EHRMAN
LLP AND UNUM LIFE INSURANCE
COMPANY WITHOUT PREJUDICE
[Rule 41(a), Federal Rules of Civil
Procedure]**

Plaintiff Patricia Fortlage, and Defendants Heller Ehrman LLP, Heller Ehrman Long
Term Disability Plan, and Unum Life Insurance Company of America, by and through their
respective counsel of record, hereby stipulate that Defendants Heller Ehrman LLP and
Unum Life Insurance Company be dismissed from this action without prejudice. This

1 Stipulation is based on Ninth Circuit authority holding that the Plan is the proper party
2 defendant to a claim for disability benefits brought under ERISA Section 502 (a)(1)(B), 29
3 U.S.C. Section 1132(a)(1)(B). This Stipulation is further based upon the agreement
4 between the parties that Unum Life Insurance Company shall retain responsibility for
5 satisfaction of any Judgment issued in this action against the Plan pursuant to 29 U.S.C.
6 Section 1132(a)(1)(B).

7
8 DATED: March 2, 2009

GREEN & HUMBERT

9
10 By: /s/ Horace W. Green
11 Horace W. Green

12 Attorneys for Defendants

13
14 DATED: March 2, 2009

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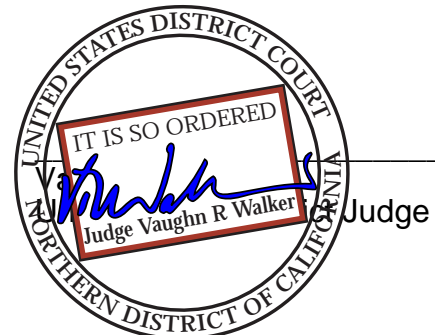
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16 By: /s/ Geoffrey V. White
17 Geoffrey V. White

18 Attorneys for Plaintiff

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20 **ORDER**

21 Good cause appearing, IT IS HEREBY ORDERED that Defendants Heller Ehrman
22 LLP and Unum Life Insurance Company be, and hereby are, dismissed from this action
23 without prejudice,

24 Dated: March 4, 2009



STIPULATION AND PROPOSED ORDER DISMISSING HELLER EHRMAN AND UNUM LIFE INSURANCE
COMPANY WITHOUT PREJUDICE - Case No. C 08-03406 VRW